

APPLICATION OR APEAL#:

43 ZONING BOARD OF APPEALS  
23

APPLICATION TO NEW FAIRFIELD ZONING BOARD OF APPEALS

OCT 19 2023

Please check appropriate box(es)  Variance  Appeal of Cease & Desist

1) Applicant: NEJAME + SONS c/o samantha Brant  
Mailing Address: 91 SOUTH ST  
Danbury Ct Phone#: 203 743 4663  
Email: sb@mypoolscool.com

2) Premises located at: 2 NORTH FORTY DRIVE on the (N S E W) side of the street  
at approx. 0 feet (N S E W) from BEAVER BOG ROAD (nearest intersecting road).

3) Property Owner Name: Robert Cmyzak  
Interest in Property: OWNER  CONTRACT PURCHASER  LEASEE  AGENT  pool contractor

4) Tax Assessor Map No.: 13 Block No.: 6 Lot No.: 5C

5) Zone in which property is located: R-88 Area of Lot: 2.031

6) Dimensions of Lot: Frontage: 146.38 Average Depth: 197'

7) Do you have any Right of Ways or Easements on the property? NO

8) Is the property within 500 feet of Danbury, Sherman or New York State? NO

9) Have any previous applications been filed with ZBA on this property? NO

If so, give dates and application numbers: N/A

10) Proposal for which variance is requested: installation of swimming pool and equipment in front yard

#5

Hardship: setbacks + septic location prohibit the pool location from elsewhere

11) Date of Zoning Commission Denial: September 26, 2023 on property

12) Variance(s) Requested: ( ) USE (X) DIMENSIONAL FRONT YARD

Zoning Regulations (sections): See attached Non-Compliance Letter

Setbacks Requested: Front to: 86' Rear to: 68'  
Side to: 85' Side to: \_\_\_\_\_

↳ FRONTAGE TO BEAVER BOG

13) Use to be made of property if variance is granted: \_\_\_\_\_

Private swimming pool

14) If this Application relates to a Cease and Desist Order then this application must be made within 30 Days of the issue date of that Cease and Desist Order. CEASE & DESIST ORDER DATE: \_\_\_\_\_

SIGNATURE OF OWNER OR AGENT: [Signature] DATE: 9/01/23

received  
9-18-23

**TOWN OF NEW FAIRFIELD  
ZONING REPORT**

**SUBJECT:** VERIFICATION OF NON-COMPLIANCE

**FROM:** Evan G. White, Zoning Enforcement Officer

**DATE:** September 26, 2023

**PROPERTY OWNER:** Robert & Cara Czyzak

**PROPERTY ADDRESS:** 2 North Forty Dr.

**APPLICANT/AGENT:** Nejame & Sons C/o Samantha Brant

**MAILING ADDRESS:** 2 North Forty Dr.

**ZONING DISTRICT:** R-88 **MAP:** 13 **BLOCK:** 6 **LOT:** 5C

Please be advised that the applicant would like to (See Noncompliance).

Review of the New Fairfield Zoning Regulations indicated that the above proposal fails to meet the following Zoning Requirements:

Sections:  
1.5.9-(A)  
3.0.6-Swimming Pools (A+B)

**THE INFORMATION ON THIS REPORT IS TO GUIDE THE APPLICANT/PETITIONER AND THE ZONING BOARD OF APPEALS TO APPLY FOR VARIANCES AND/OR OTHER RELIEF, AND IS BASED ON REPRESENTATIONS MADE BY THE PROPERTY OWNER/APPLICANT.**

**THE OWNER/APPLICANT SHALL BE RESPONSIBLE FOR ANY DECISION MADE FROM RELIANCE ON THIS FORM AND IT SHALL NOT CREATE LIABILITY ON THE PART OF ANY OFFICER OR THE TOWN OF NEW FAIRFIELD.**

**IN COMPLEX MATTERS, THE OWNER/APPLICANT MAY WISH TO SECURE THE SERVICES OF AN ATTORNEY.**

  
Evan White, Zoning Enforcement Officer  
Town of New Fairfield

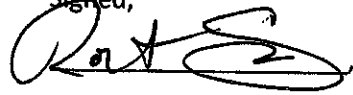
**NEJAME & SONS**  
91 SOUTH STREET, DANBURY CT 06810  
(203) 743-HOME (4663)  
[www.mypoolseal.com](http://www.mypoolseal.com)

September 2<sup>nd</sup>, 2023

To Whom It May Concern,

I, Robert Czyzak, residing at 2 North Forty Drive, New Fairfield, CT do authorize Nejame and Sons to represent myself regarding all *Boards, Commissions and Permits.*

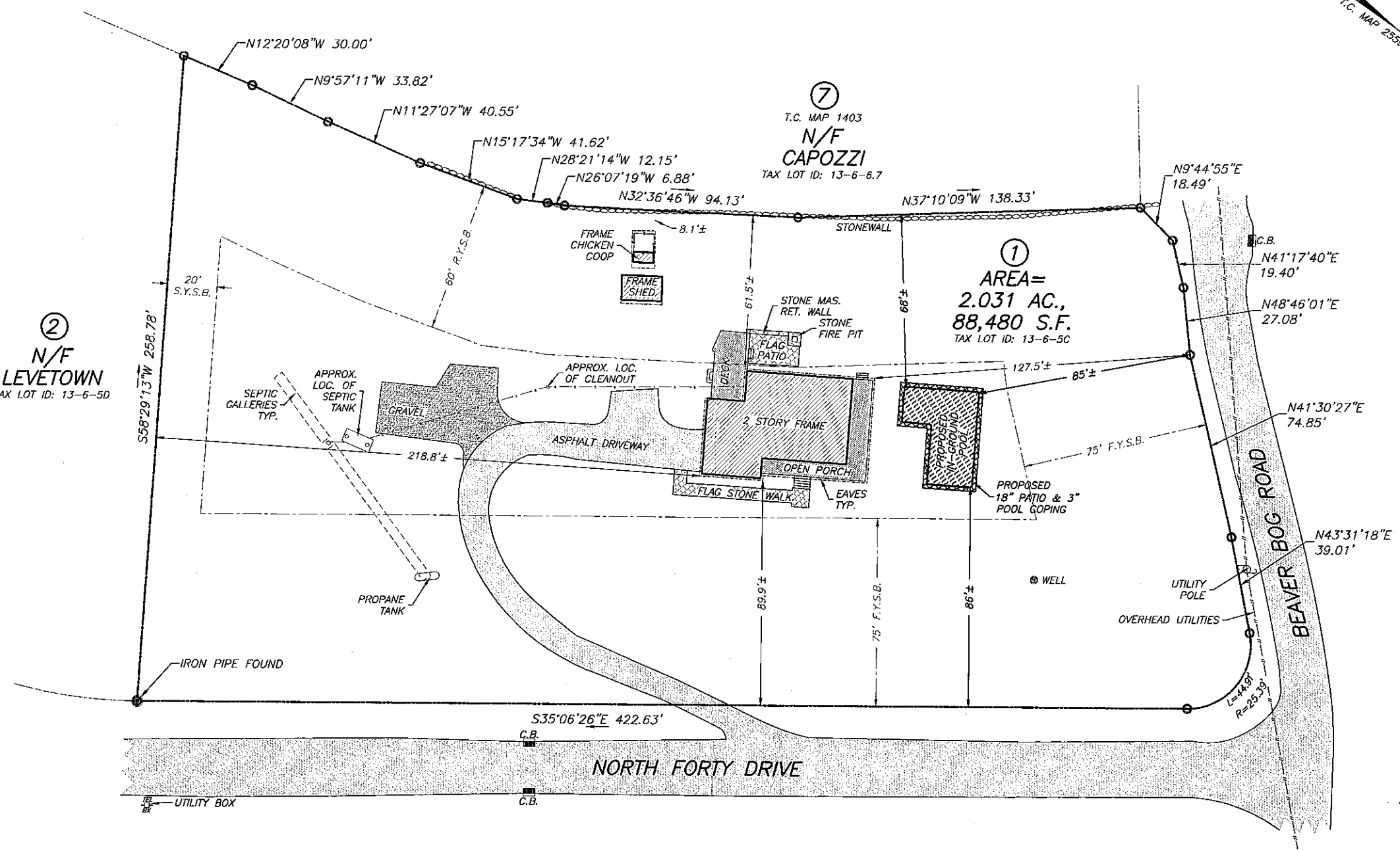
Signed,



②  
N/F  
LEVETOWN  
TAX LOT ID: 13-6-5D

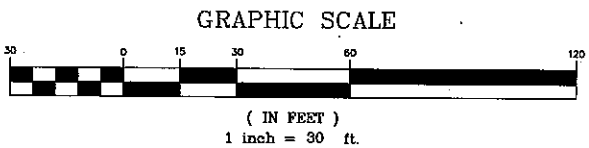
⑦  
T.C. MAP 1403  
N/F  
CAPOZZI  
TAX LOT ID: 13-6-6.7

①  
AREA=  
2.031 AC.,  
88,480 S.F.  
TAX LOT ID: 13-6-5C



ZONING BOARD OF APPEALS  
OCT 19 2023  
PROPOSAL

ZONING TABLE - R88 (ZONE 2)				
	AREA (S.F.)	BUILDING AREA (S.F.)/%	IMPERVIOUS (S.F.)/%	
TOWN REQ.	87120 MIN	13272 15.0%	22120 25.0%	
EXISTING	88,480	2718 3.1%	7720 8.7%	
PROPOSED	88480	2718 3.1%	8822 9.97%	



**CERTIFICATION**

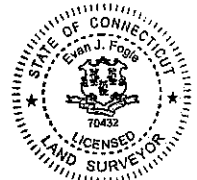
THIS MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTION 20-300B-1 THROUGH 20-300B-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT", AS ADOPTED ON SEPTEMBER 26, 1996, AS FOLLOWS:

- THIS MAP WAS PREPARED AS A BOUNDARY/PROPERTY SURVEY.
- BOUNDARY DETERMINATION IS IN ACCORDANCE WITH THE STANDARDS FOR A DEPENDANT RESURVEY (REFER TO T.C. MAP NO. 2559 ON FILE WITH THE NEW FAIRFIELD LAND RECORDS).
- THIS MAP MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR HORIZONTAL ACCURACY FOR CLASS A-2 SURVEYS.

TO MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON

*Evan J. Fogle*  
EVAN J. FOGLE, P.L.S. LICENSE NO. 70432

GEOLOGIC LAND SURVEYING, PLLC  
MOUNT KISCO, N. NEW FAIRFIELD, CT.  
P: 914-864-1511 F: 4-400-4717  
WWW.GEOLICLANDSURVEYING.COM  
GEOLICLANDSURVEYING@GMAIL.COM



SURVEYOR'S SEAL

**PROPERTY SURVEY**

PREPARED FOR  
**CARA & ROBERT CZYZAK**

BEING  
**LOT 1**  
(T.C. MAP No. 2559)  
ALSO KNOWN AS  
**2 NORTH FORTY DRIVE**  
SITUATE IN THE  
**TOWN OF NEW FAIRFIELD FAIRFIELD CO., CT.**  
SCALE: 1" = 30'  
AUGUST 2, 2023

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**REVISIONS / ADDITIONS**

DATE	DESCRIPTION	BY

**MAP NOTES**

1. THIS SURVEY WAS CONDUCTED ON THE GROUND ON AUGUST 2, 2023.
2. PROPERTY LOCATED IN ZONE 2 (R88) ZONING DISTRICT.
3. PROPERTY SUBJECT TO COVENANTS AND RESTRICTIONS OF RECORD.
4. NO CERTIFICATION IS MADE TO THE LOCATION OF UNDERGROUND FEATURES AND/OR STRUCTURES; UNDERGROUND FEATURES, IF ANY, ARE NOT SHOWN HEREON.
5. REFERENCES MADE TO TOWN CLERK MAP No. 1403\_2559 AS WELL AS BOOK 576 PAGE 1103.
6. OFFSETS SHOWN HEREON REFER TO THE BUILDING EAVES U.O.N.
7. SEPTIC SHOWN HEREON REFER TO THE AS-BUILT ON FILE WITH THE HEALTH DEPARTMENT.
8. ONLY COPIES OF THE ORIGINAL OF THIS SURVEY, BEARING THE ORIGINAL IMPRESSION OF THE SURVEYOR'S EMBOSSED SEAL ATOP THE COMPANY LOGO, SHALL BE CONSIDERED TO BE VALID, TRUE, COPIES.

JOB NO. 19-6-5C (2 NORTH FORTY 2023)

**GENERAL NOTES:**

- 1) POOL CLEARANCES TO BUILDINGS AND PROPERTY LINES SHALL BE IN ACCORDANCE WITH LOCAL AND STATE REQUIREMENTS.
- 2) THIS PLAN DOES NOT INCLUDE POOL LOCATION ON PROPERTY, GRADING, FENCING, WALLS OR OTHER SITE INFORMATION.
- 3) ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH ALL LOCAL AND STATE REGULATIONS.
- 4) CONTRACTOR SHALL VERIFY BURIED UTILITIES WITHIN SURROUNDS OF INSTALLATION AREA.

ANSI- TYPE 0 POOL -NON DIVING

POOL IS IN COMPLIANCE TO American National Standard for Residential Inground Swimming Pools ANSI/APSP/ICC-5 -11

**ADDITIONAL NOTE**

IF POOL IS FURNISHED WITH DRAINS OR SUBMERGED SUCTION OUTLETS, THAN COMPLIANCE TO THE VIRGINIA GRAEME BAKER POOL AND SAFETY ACT IS REQUIRED:  
DRAIN COVERS ASME A112.19.8 2007 AT 3'-0" MIN APART AND ENTRAPMENT AVOIDANCE MUST BE INSTALLED.

**CODE COMPLIANCE**

CONNECTICUT  
2022 STATE BUILDING CODE  
INTERNATIONAL RESIDENTIAL CODE (IRC) - 2021  
INTERNATIONAL SWIMMING POOL & SPA CODE (ISPSC) - 2021  
(CT AMENDS THE ISPSC STANDARD)

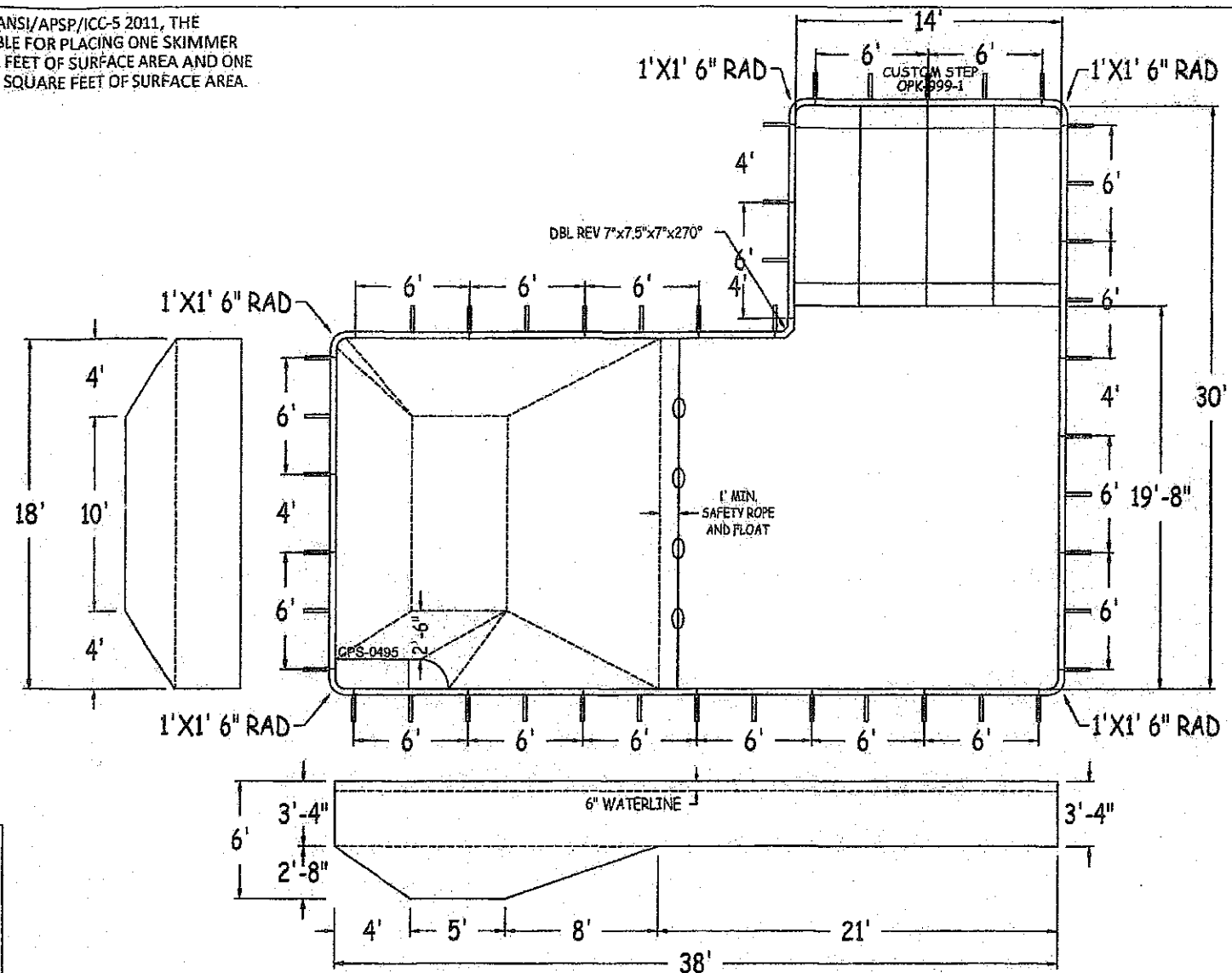
**A. ELECTRICAL & PLUMBING**

THE CONSTRUCTION AND INSTALLATION OF ELECTRIC WIRING, GROUNDING AND BONDING, AND EQUIPMENT ARE SUBJECT TO THE STATE CODE AND TO NEC-2020 EQUIREMENTS.  
ALL PLUMBING MUST COMPLY WITH THE IPC-2021.

James A. Marx, Jr. PE  
CT Professional Engineer Lic 17349

*[Handwritten Signature]*  
7/31/23

IN ACCORDANCE WITH ANSI/APSP/ICC-5 2011, THE INSTALLER IS RESPONSIBLE FOR PLACING ONE SKIMMER FOR EVERY 800 SQUARE FEET OF SURFACE AREA AND ONE RETURN FOR EVERY 300 SQUARE FEET OF SURFACE AREA.



<b>GRAPHX POOL SYSTEMS</b>		TRUE L 6IN RAD 18-0 x 30-0 x 38-0 RIGHT		NON-DIVING POOL		CUSTOMER: NEJAME & SONS FG	
42" FIXED POLYMER PANELS	PERIMETER:	135'-9"	VOLUME (US Gal):	23700	USE OF DIVING EQUIPMENT IS PROHIBITED	JOB NAME: CZYZAK	
DWG#: 2023-PPL-44101	SURFACE (ft²):	852	VOLUME (Liters):	89700			
KIT#: CUSTOMKIT	LINER (ft²):	707	DATE: 7/17/2023	DSR:			
	COVER (ft²):	992	SCALE: 1/8" = 1'-0"	ALL ASPECTS OF THIS DRAWING COMPLIES WITH ANSI/APSP/ICC-5 2011 AND 2015 ISPSC		SHEET: 1 OF 5	

BOARD OF APPEALS

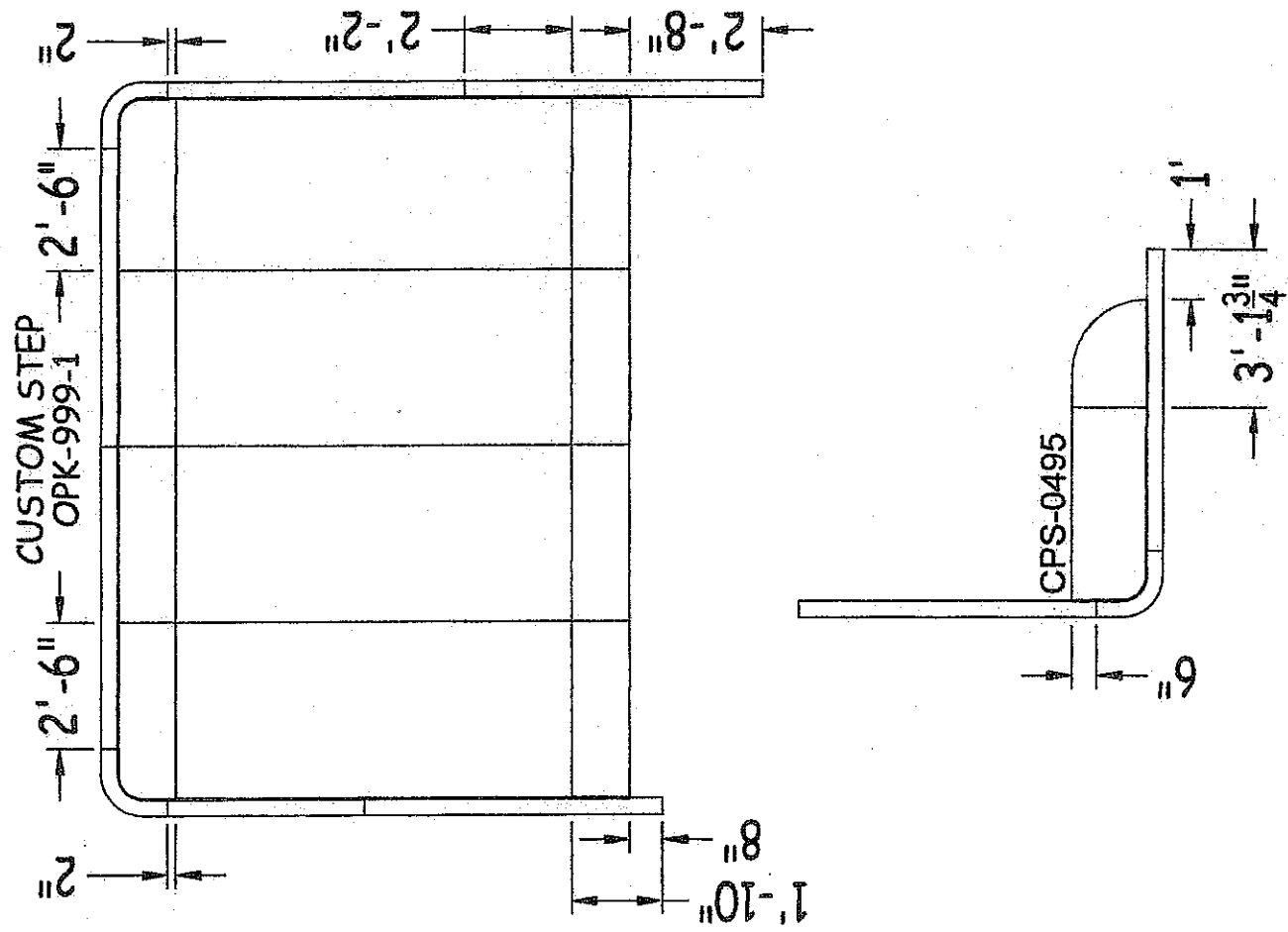
Purchaser: Czyzak  
Address: \_\_\_\_\_

PROPOSAL



James A. Marx, Jr. PE  
CT Professional Engineer Lic 17349

*James A. Marx, Jr.*  
7/31/23

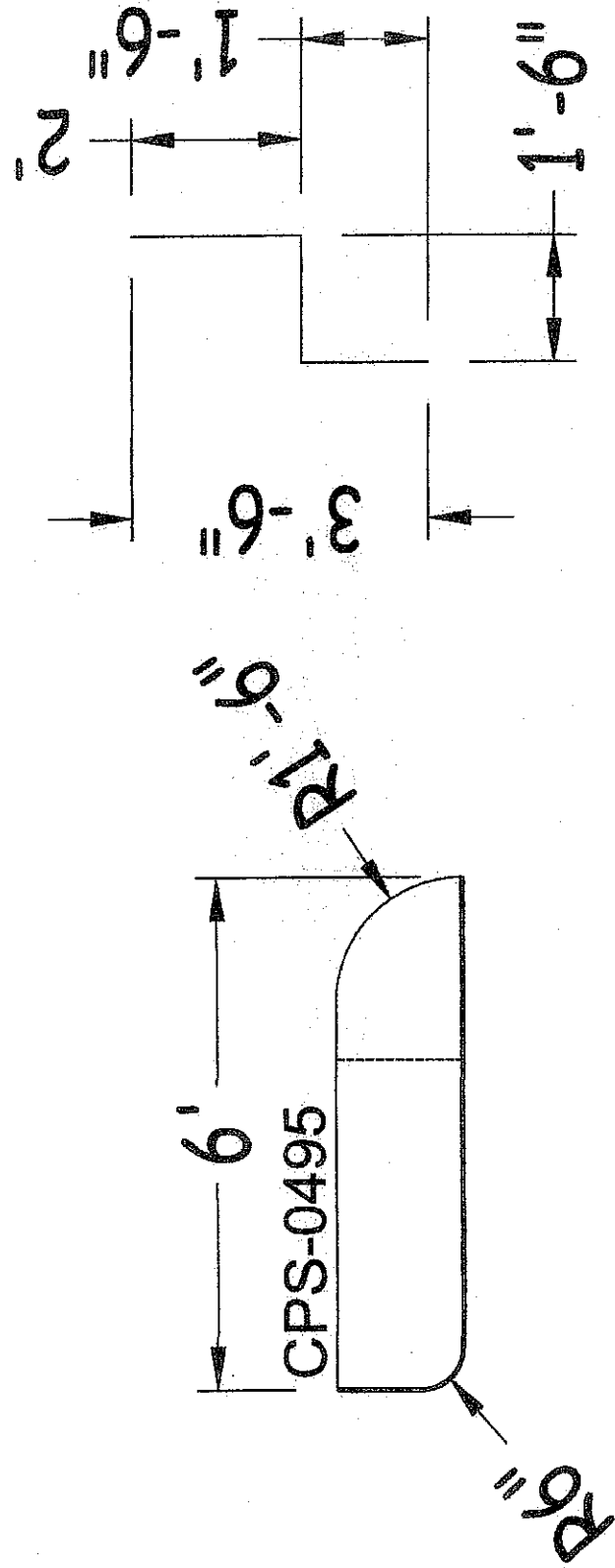


TRUE L 6IN RAD 18-0 X 30-0 X 38-0 RIGHT

DWG # 2023-PPL-44101

DATE: 7/17/2023

SHEET: 5 OF 5



### CUSTOM OPEN-TOP DROP-IN POLYMER BENCH (NEW CONSTRUCTION)

PROPOSAL

OCT 2023

BOARD OF APPEALS

FISER LENGTH: 6'-10 1/4"

TRUE L 6IN RAD 18-0 X 30-0 X 38-0 RIGHT

DWG # 2023-PPL-44101

DATE: 7/17/2023

SHEET: 4 OF 5

**Latham International Polymer**

**General Notes**

The Latham International, inground polymer swimming pools are permanently installed for recreation use as swimming pools in residential applications with water circulated through a filter in a closed system. The pools comply with ANSI/NSPI-5

The Latham International, inground polymer wall swimming pools consist of polymer wall panels, braces, vinyl liners, walk-in steps and associated accessories (e.g., copings, spas, skimmers, filters, plumbing, etc.) Rigid vertical panels are comprised of high impact polystyrene with integral vertical and horizontal ribs. Flexible, multi-flex vertical panels are comprised of polypropylene. Braces are comprised of polyethylene. The vinyl PVC liner is a flexible material with a minimum thickness of 20 mils (0.5mm). Fasteners are 3/8 inch diameter (9.5mm) nylon bolts with matching nuts produced from Type 6/6 nylon resin or polyethylene wedges which are product specific. Copings are extruded, painted aluminum. Steps are a co-extruded thermoformed sheet of ABS with a weatherable cap. Steps and Spas are thermoformed sheets of Acrylic with a fiberglass backing. Specifications may vary by +/- 3% per industry standards. The Latham Manufacturing, Inc. inground polymer swimming pools are only ICC approved and compliant when used in conjunction with complimenting accessories with the Latham Manufacturing, Inc. identification label. If any Latham Manufacturing, Inc., product is used in conjunction with a non-Latham inground swimming pool, then the ICC approval and compliancy is only applicable to the Latham Manufacturing, Inc., product and not the entire entity.

The Latham International, inground polymer swimming pools must be installed in accordance with the manufacturer's published installation instructions. All plumbing, electrical and concrete decking must comply with the codes in effect at the construction site. Clearances of the pools from slopes must be observed as set forth in IBC Section 1805.3 or R403.1.7. A barrier must be installed in accordance with IBC Section 3109 or IRC Section AG105, as applicable.

The pool is designed to remain full of water at all times. The pool may be damaged if the water level is allowed to drop below the skimmer. When appreciable drawdown is noticed or if it becomes necessary to drain the pool, the manufacturer or builder must be contacted for instructions.

**Identification**

Each pool bears a label with the name of Latham International; the manufacturing plant location (787 Watervliet-Shaker Rd, Latham, New York.); a bar code for traceability; and the evaluation report number.

**Installation and Design**

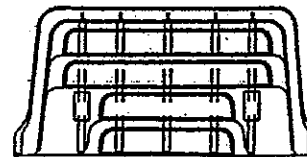
The swimming pools may be installed without a soil investigation by a registered design professional, subject to the code official's approval, provided none of the following conditions is encountered at the site:

1. The existence of uncontrollable ground water within the pool excavation.
2. The existence of uncompacted fill in contact with any portion of the pool.
3. The existence of expansive type soils.
4. The existence of any soil types with an angle of repose that will not support the walls of the excavation at desired slopes.
5. Danger to adjacent structures posed by the proposed pool location.
6. The existence of any cracks or openings in soil that would not support the pool bedding.

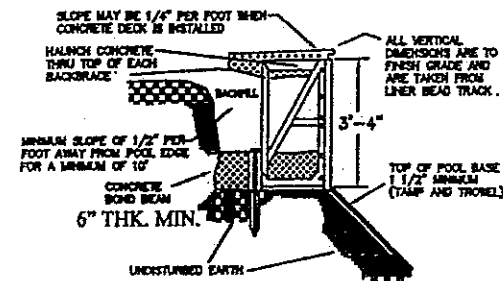
The polymer swimming pools are designed to be installed entirely in-ground.

These are generic drawings and not site specific.

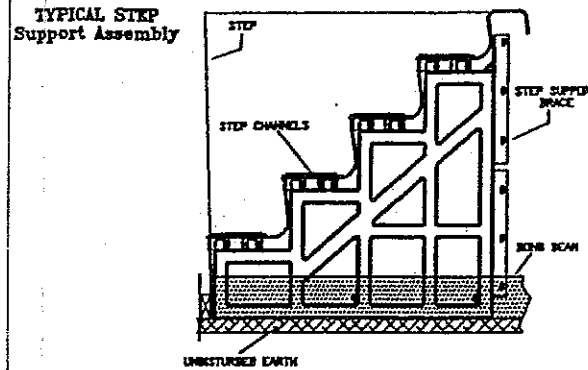
Diving/Sliding equipment shall be designed for swimming pools and shall be installed in accordance with the diving/sliding equipment manufacturer's specifications. Contact Diving/sliding equipment manufacturer for their specifications.



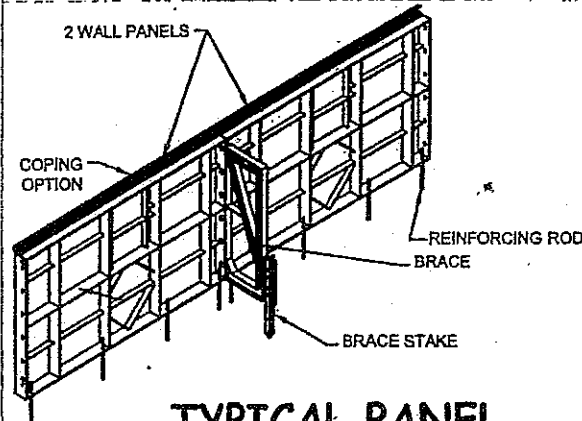
**TYPICAL STEP**



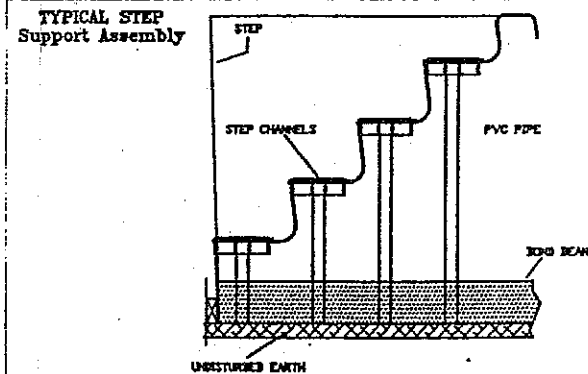
**TYPICAL BRACE INSTALLATION DETAIL**



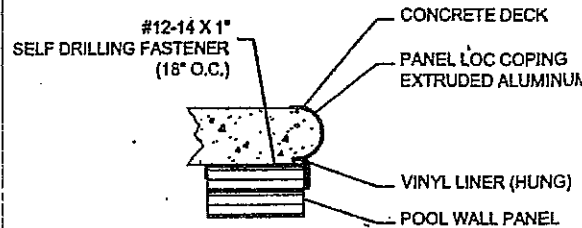
**BRACE ASSEMBLY**



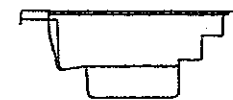
**TYPICAL PANEL INSTALLATION DETAIL**



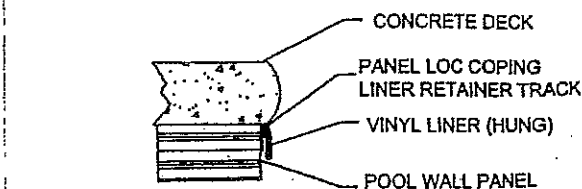
**POLE ASSEMBLY**



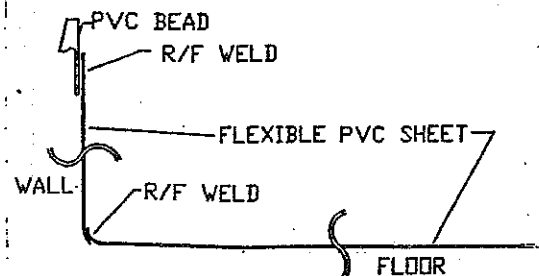
**TYPICAL CP2 COPING**



**TYPICAL SPILLOVER SPA**



**TYPICAL CANTILEVERED DECKING**



**TYPICAL VINYL LINER CROSS SECTION**

Reviewed by:  
Columbia Research & Testing  
10140 Starr Road, P.O. Box 9333  
Windsor, CA 95492  
Phone/Fax 707-838-1680  
IAS and ICC/ES Approved Testing Laboratory

Stamp:



PROPOSAL

*James A. Marx, Jr.*  
7/31/23

James A. Marx, Jr. PE  
CT Professional Engineer Lic 17349

LATHAM INTERNATIONAL

ICC Evaluation Report Number (ESR-2450)  
787 Watervliet-Shaker Road, Latham, NY 12110  
Phone: (518) 951-1000 Fax: (518) 783-0004



Contractor

Date